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The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Care Quality
10 West Street, Boston, MA 02111
617-753-8000

CIRCULAR LETTER – 01-09-418

To: All LTC Administrators, Ombudsman Executive Office of Elder Affairs and Resident Councils
From: Paul I. Dreyer, Ph. D, Director, Division of Health Care Quality
Date: September 24, 2001
Re: Resident Empowerment Program – FY 2002 Request for Response

The Massachusetts Department of Public Health, Division of Health Care Quality is pleased to announce the second year of the Resident Empowerment Program (REP). The REP uses dollars collected from facilities that have been assessed civil monetary penalties to fund innovative programs that enhance the quality of life for nursing facility residents. The program was initially developed by the Civil Money Penalty Committee (CMPC) which is comprised of representatives from the provider, resident, advocate and payer constituencies. Its goal is to foster programs that provide residents with "something more than" compliance with regulations. Three projects were funded for fiscal year 2001, totaling approximately \$15,000.

At this time, we are seeking proposals that address the quality of life for residents in nursing facilities during fiscal year 2002 (7/1/2001-6/30/2002). A program may target a nursing facility's environment, activities or some other aspect of resident life. Facilities, residents, families, communities or any combination may submit a proposal. The Request for Response (RFR) contains complete instructions for submitting an application. The RFR package may be downloaded from the Commonwealth Procurement Access and Solicitation System (CommPASS) web site at www.comm-pass.com/comm-pass under Open Solicitations [by Purchaser]; Department of Public Health; Human & Social Services; Social & Human Services, Other.

Applications must be received at the Division of Health Care Quality, Department of Public Health, 10 West Street, Boston, MA 02111 by 5:00 p.m. on Friday, November 30, 2001. All previous applicants are eligible to submit proposals in response to the FY 2002 RFR. Prior award recipients are eligible to submit proposals for an expansion on their current project or for an entirely new idea. Proposals not accepted for the FY 2001 awards may be resubmitted provided that they conform to the FY2002 RFR requirements.

The CMPC will award a limited number of contracts from the pool of qualified applications received. The selected applications will be funded, as requested, up to a maximum of \$15,000 per contract. The total, fiscal year 2002 expenditure for the Resident Empowerment Program will not exceed \$75,000.

REQUEST FOR RESPONSE

GENERAL INFORMATION

The terms of 801 CMR 21.00: Procurement of Commodities and Services (and 808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR. No electronic responses may be submitted in response to this RFR. **The above regulations can be found at the web-sites www.magnet.state.ma.us/osd/cmr/801cmr21.pdf and www.magnet.state.ma.us/osd/cmr/808cmr1.pdf respectively. This procurement is governed by the rules and regulations of the World Trade Organization if value of procurement, including renewal options, meets or exceeds \$483,000 (or current value).**

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through Comm-PASS.

Reasonable Accommodation. Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case by case basis. A bidder requesting accommodation must submit a written statement which describes the bidder's disability and the requested accommodation to the contact person for the RFR. The PMT reserves the right to reject unreasonable requests.

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., Chapter 66, Section 10, and to Chapter 4, Section 7, Subsection 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

Best Value Selection and Negotiation. The PMT may select the response(s) which demonstrates the best value overall, including proposed alternatives, that will achieve the procurement goals of the department. The PMT and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the selected bidder's or contractor's response which results in lower costs or a more cost effective or better value than was presented in the selected bidder's or contractor's original response.

Costs. Costs which are not specifically identified in the bidder's response, and accepted by a department as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this RFR.

Comm-PASS. If this RFR has been distributed electronically using the Comm-PASS system, RFR attachments that are referenced will be found either as a separate .pdf file along with the RFR, or are found in the "Forms and Information" section at: (<http://www.comm-pass.com/comm-pass/forms.html>). Bidders are solely responsible for obtaining and completing required attachments that are identified in this RFR and for checking Comm-PASS for any addenda or modifications that are subsequently made to this RFR or attachments. The Commonwealth and its subdivisions accept no liability and will provide no accommodation to bidders who fail to check for amended RFRs and submit inadequate or incorrect responses. Bidders are advised to check the "last change" field on the summary page of RFRs for which they intend to submit a response to ensure that they have the most recent RFR files. Bidders may not alter (manually or electronically) the RFR language or any RFR component files. Modifications to the body of the RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited and may disqualify a response.

Northern Ireland Notice and Certification. All bidders must complete the Northern Ireland Notice and Certification form to satisfy M.G.L. c.7 section 22C, which states that no state agency may procure commodities or services from any bidder employing ten (10) or more employees in an office or other facility located in Northern Ireland unless the bidder certifies through the notice and certification form that if it employs ten or more employees in Northern Ireland, a) the bidder does not discriminate in employment, compensation or the terms, conditions and privileges of employment on account of religious or political belief, b) the bidder promotes religious tolerance within the workplace and the eradication of any manifestations of religious and other illegal discrimination and, c) the bidder is not engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles or military aircraft for use or deployment in any activity in Northern Ireland.

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Subcontractors are required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.

Affirmative Market Program. Massachusetts Executive Order 390 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs). As a result, M/WBEs are strongly encouraged to submit responses to this RFR, either as prime vendors, as joint venture partners, or as subcontractors. Non-M/WBE bidders are strongly encouraged to develop creative initiatives to help foster *new business relationships* with M/WBEs within the primary industries affected by this RFR. In order to satisfy this section, the bidder must submit: the names, addresses, phone numbers and contact persons of each M/WBE firm; a description of each business relationship to be established; and the actual dollar amounts, or percentages, to be awarded to each M/WBE firm. MBE and WBE firms must submit a copy of their SOMWBA certification letter for the current period. A directory of SOMWBA certified firms is available via the Internet at: www.magnet.state.ma.us/somwba. A Minority Business Enterprise (MBE) or a Woman Business Enterprises (WBE) is defined as a business that has been certified as such by the State Office of Minority and Women Business Assistance (SOMWBA). Minority and women-owned firms that are not currently SOMWBA-certified but would like to be considered as an M/WBE for this RFR should apply for certification. A fast track application is available, and will be considered for the purposes of this RFR. For further information on SOMWBA certification contact the State Office of Minority and Women Business Assistance at (617) 727-8692 or via the Internet at www.magnet.state.ma.us/somwba. Prior to the closing date of the RFR, the PMT will determine if this section will be included in the Evaluation Criteria.

Modifications. Bidders may not alter (manually or electronically) the RFR language or any RFR component files. Modifications to the body of this RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited. Any unauthorized modifications may disqualify a Response.

All Bidders will be required to complete, execute and return the following two (2) documents:

1. All Bidders must complete, execute and return the **Commonwealth Terms and Conditions** attached to this RFR. If the Bidder has already executed and filed the **Commonwealth Terms and Conditions**, please indicate this in your Response. **The Commonwealth Terms and Conditions shall be incorporated by reference into any Contract for Commodities and Services executed pursuant to this RFR.** A Bidder is required to execute the **Commonwealth Terms and Conditions** only once.

2. All Bidders must also complete and return the **Standard Contract Form** as follows:



(a) as the cover sheet to their Response. Failure to return a completed and executed **Standard Contract Form** will disqualify the Bidder's Response.



(b) upon selection for Contract negotiation and execution.

By executing the **Standard Contract Form**, the Contractor certifies under the pains and penalties of perjury that it has submitted a Response to a Request for Response (RFR) issued by the Department and that this Response is the Contractor's offer as evidenced by the execution by the Contractor's authorized signatory, that the Contractor's Response may be subject to negotiation by the Department, and that the terms of the RFR, the Contractor's Response and any negotiated terms shall be deemed accepted by the Department and included as part of the Contract upon execution of the **Standard Contract Form** by the Department's authorized signatory.

Massachusetts Prevailing Wage. If this RFR is identified by the Department as being subject to the prevailing wage law as defined by Massachusetts General Law c149, s.26, then the vendor will be required to pay prevailing wages. Additional information may be found at the web address www.magnet.state.ma.us/dos/pages/PW.htm. In general, the projects covered by prevailing wage are: new construction, renovation, repair, demolition, road or highway work, maintenance, the rental of equipment, moving office furniture, cleaning state office buildings, trash hauling and school bus transportation.

Purchasing Department: Department of Public Health, Division of Health Care Quality (DHCQ)

Address: 10 West Street Boston MA 02111

Telephone #: Sheila Faiella
617-753-8200

Fax #: 617-753-8095

e-mail or Internet Address: sheila.faiella@state.ma.us

RFR File Name/Title: Resident Empowerment Program

RFR File Number:

Procurement Team Leader/ Contact Person: Sheila Faiella

Comm-Pass Procurement Category:

1. Description Or Purpose of Procurement:

The purpose of the Resident Empowerment Program is to improve the quality of life of residents in Medicare and Medicaid nursing facilities. Funds will be available to facilities that prepare proposals according to the criteria laid out in this document. Collection of Civil Money Penalties (CMP) under DPH control provides the funding for the initiative. Facilities should develop proposals in partnership with residents, families, communities or any combination. A proposal can not be a replacement for any events or activities a facility is already offering nor can it be used to fulfill a Federal or State regulation.

2. Acquisition Method:

- ☐ Outright Purchase ☒ Fee For Service ☐ License
- ☐ Tax Exempt Lease Purchase (TELP) ☐ Term Lease
- ☐ Rental (not to exceed 6 months) ☐ Other (specify):

3. Whether Single Or Multiple Contractors Are Required For Contract(S)

- ☐ Single Contractor ☒ Multiple Contractors

4. Whether Single Or Multiple Departments Will Be Able To Use

- ☐ Department Contract
- ☒ Single Departmental Procurement/ Multiple Department User
- ☐ Multiple Department Procurement/ Limited Department User Contract

☐ Statewide Contract ☐ OSD designated Department Statewide Contract ☐ Pre-Qualification List

5. Expected Duration Of Contract (Initial Duration and Any Options to Renew)

Initial Duration: ☒ one-time purchase; Projects should be completed by June 30, 2002
(12/1/01-6/30/02))

Renewal Options:(indicate number) _____ options to renew for up to _____ year(s) each option

6. Anticipated Expenditures, Funding Or Compensation For Expected Duration

Please include the Estimated Value of Procurement (Including Anticipated Renewal Options)

- ☒ Contract will have a Maximum Obligation Amount. Up to \$15,000 per contract, \$75,000 in total
- ☐ Contract will NOT have a Maximum Obligation Amount (Rate Contract)
- ☐ Subject to Quotes by Pre-Qualified List of Contractors.

Will Federal Funds be used to fund any part of Contract(s)? ☒ NO, ☐ YES (If YES, to what extent?):

7. Indicate Contract Performance and Business Specifications: (include Scope of Service, Evaluation Criteria, and Performance Measures)

Scope of Service

Proposals must clearly demonstrate how the program will improve the quality of life for residents in long-term care facilities. Quality of life includes those activities, events, environment and intangibles that contribute to residents' emotional, physical or psychological well being, to residents' contentment and satisfaction. The contribution might be seen in something as simple as a smile from a resident who previously only demonstrated sadness or as dramatic as a resident regaining some cognitive functioning after attending several local events. Applicants must list three goals that they want to achieve. Applicants need to provide succinct, clearly defined measures for describing their progress. The proposal must contain a budget that addresses all program expenditures. Applicants must explain how they will track their progress, including the resources and commitment to accomplish their goals, and the method by which they will continue the program past the first year of funding. In quarterly reports, applicants are expected to document how their program brings about this kind of difference. A significant aspect of the REP initiative is encouraging community involvement. The proposal therefore must show how the community will be integrated into the program. The reviewers will take into consideration a facility's compliance status specified in Federal regulations in so far as it might affect their ability to complete the project.

Evaluation Criteria

A subcommittee of the full CMP Committee will conduct the initial application screening. Each proposal must, at a minimum, contain: 1) a program description, including measurable goals; 2) a description of the resources needed to accomplish the goals, including those necessary to continue the project after the first year; 3) a budget; and 4) proof of the facility's regulatory compliance status. Proposals that meet the initial screening criteria will be submitted to the full CMP Committee for evaluation and final selection.

Proposals that meet the initial screening criteria will be assessed on three, equally weighted factors. Proposals will be selected for contract awards based upon the following criteria: 1) impact on improving the residents' quality of life; 2) extent of partnership between facilities, residents, families and communities in the development and implementation of the proposal; and, 3) amount and type of community involvement in the project. In addition to meeting these criteria, other factors such as facility size, location and program replicability may be considered in the final selection process.

Performance Requirements

The Department of Public Health is endeavoring to deliver the Best Value to facilitate our needs. However, it is important to measure the Contractor's performance to ensure the Contract is in compliance with what has been requested and what the Contractor has offered in this RFR. The following performance areas will be subject to measurement:

1. Timely Delivery (Commodities, Services, Reports, Billing, etc.)
2. Responsiveness to Departmental Inquiries
3. Quality of Deliverables (Commodities, Services, Reports, etc.)
4. Performance Targets/Benchmarks (Quantities, Outcomes, etc.)

The PMT shall negotiate with contractors any requirements not set forth in the RFR.

Contract awardees must submit quarterly progress reports to Sheila Faiella, Procurement Team Leader. At a minimum, these reports must contain a statement of expenditures against budget, a review of progress toward attaining the program's purpose and any results that have been achieved during the quarter. Ombudsman in the Executive Office of Elderly Affairs will verify that a facility's documentation accurately reflects their performance by comparing the report's progress to observations and the facility's record keeping. Additionally, the committee will evaluate the award recipient's responsiveness to inquiries and the quality of the outcomes.

Using the report card measurements indicated below, the contract manager shall issue one report per performance review period to each awardee. One report shall be distributed to the contractors and the other will remain in the procurement file.

GRADE A: The Contractor maintains all levels of the performance requirements

GRADE B: The Contractor fails to meet one of the performance requirements for one reporting period.

GRADE C: The Contractor fails to meet more than one of the performance requirements for one reporting period.

GRADE D: The Contractor fails to meet one or more of the performance requirements for more than one reporting period.

GRADE F: Major non-compliance

It is hoped that the Contractor will maintain the above Performance Requirements at **GRADE A** for the full term of the contract. If the contractor should fall to **GRADE B** the contract manager shall require, in writing, within ten (10) business days why the problem occurred. If the contractor should fall to **GRADE C** the contract manager shall require, in writing, within five (5)

business days why the problem occurred, and an action plan to remedy the situation. If the contractor should fall to **GRADE D**, the contractor must respond, in writing, within twenty-four (24) hours to the contract manager explaining the non-compliance and how and why it occurred and what will be done to address compliance with the contract. Failure to respond in a timely fashion why the non-compliance occurred in an acceptable manner will result in a **GRADE F**. **GRADE F** will result in the Contractor's termination from this contract.

8. Instructions for Submission of Responses: (Where and How to Submit Responses, Format, Medium and Copies of Responses)

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Applicants have the following responsibilities:

1. Three copies plus the original of the proposal should be returned to:
Sheila Faiella
Division of Health Care Quality
10 West Street
Boston, MA 02111
2. An applicant must include information under each of the following categories and labeled as such.
 - a. Title of the program
 - b. Contact, name of facility, size of facility, address, area code and telephone number,
area code and fax, e-mail address
 - c. Purpose - how quality of life will be improved
 - c. Goals - what the applicant wants to achieve, no more than three goals in order of
priority
 - e. Program description including deliverables, resources, community
involvement, program continuation after first year
 - f. Budget
 - g. Milestones

9. DEADLINE FOR RESPONSES Or Procurement Calendar:

Indicate Deadline Date: November 30, 2001

Indicate Deadline Time: 5 p.m.

Will a Bidders Conference be offered? ☒ No ☐ YES (Indicate Date, Time and Place):

Will Opportunity for Written Questions be Offered: ☐ No ☒ YES (Indicate Deadline Date, Time and Place):

All questions must be submitted in writing by November 16, 2001. The question(s) should be sent to:

Sheila Faiella
REP Program
Division of Health Care Quality
10 West Street

Boston MA 02111

10. RFR Attachments: The following checked forms must be completed and submitted with the proposal. The other forms are not required at proposal submission, though may be required at the time of a contract award, if applicable. Failure to return checked forms with the response may disqualify the response. These forms can be found at: <http://www.comm-pass.com/comm-pass/forms.html>

- ☒ Commonwealth Terms and Conditions Form
- ☒ Standard Contract Form
- ☒ Consultant Contractor Mandatory Submission Forms
- ☒ Contractor Authorized Signature Verification Form
- ☐ Business Reference Form
- ☒ Authorization for Electronic Payments Form
- ☒ Verification of Taxation Reporting Information (MA Substitute W-9 Format)
- ☐ Affirmative Action Plan Form
- ☒ Northern Ireland Notice & Certification

Other forms that are not on the Comm-PASS web-site, but are required for this RFR, will be attached to the end of this RFR and listed below:

11. Department of Public Health Specific Conditions:

Estimated Provisions. The Commonwealth makes no guarantee that any commodities or services will be purchased from any contract resulting from this RFR. Any estimates or past procurement volumes referenced in this RFR are included only for the convenience of bidders, and are not to be relied upon as any indication of future purchase levels.

Brand Name or Equal. Unless otherwise specified in this RFR, any reference to a particular trademark, trade name, patent, design, type, specification, producer or supplier is not intended to restrict this RFR to any manufacturer or proprietor or to constitute an endorsement of any commodity or service, and the department may consider clearly identified offers of substantially equivalent commodities and services submitted in response to such reference.

Alternatives. A response which fails to meet any material term or condition of the RFR, including the submission of required attachments, may lose points or be deemed unresponsive and disqualified. Unless otherwise specified, bidders may submit responses proposing alternatives which provide equivalent, better or more cost effective performance than achievable under the stated RFR specifications. These alternatives may include related commodities or services that may be available to enhance performance during the period of the contract. The response should describe how any alternative achieves substantially equivalent or better performance to that of the RFR specifications. The department will determine if a proposed alternative method of performance achieves substantially equivalent or better performance. The goal of this RFR is to provide the best value of commodities and services to achieve the procurement goals of the department. Bidders that propose discounts, uncharged commodities and services or other benefits in addition to the RFR specifications may receive a preference or additional points under this RFR as specified.

Contract Expansion. If additional funds become available during the contract duration period, the department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute contracts with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need. The Department of Public Health reserves the right to negotiate both increases and decreases to the maximum obligation as well as changes to the scope of service and/or performance measures throughout the duration of the contract and any option to renew to ensure the successful completion of services/goods procured through this RFR.

Inter-Department Purchase. Departments reserve the right to include an option for other departments to purchase services or commodities under the same terms of the contract. Should departments exercise this option, bidders will be required to specify their ability to extend services to other departments and the rates to be used.

Year 2000 Compliance for Commodities and Services RFRs. Bidders must represent and warrant that the information technology for this contract is year 2000 compliant. Year 2000 compliant means information technology that accurately process date/time data (including but not limited to calculating, comparing and sequencing) from, to and between the twentieth and twenty-first centuries and the years 1999 and 2000 including leap year calculations. Furthermore, year 2000 compliant information technology, when used in combination with other information technology, shall accurately process date/time data if the other informational technology properly exchanges date/time data with it. This warranty shall survive the expiration or termination of this contract.

Year 2000 Compliance for Systems RFRs. Bidders must represent and warrant that this system and all interfaces to this system that the contract is providing, including but not limited to interfaces with other systems and data entry interface for this system, are year 2000 compliant. Year 2000 compliant means information technology that accurately process date/time data (including but not limited to calculating, comparing and sequencing) from, to and between the twentieth and twenty-first centuries and the years 1999 and 2000 including leap year calculations. Furthermore, year 2000 compliant information technology, when used in combination with other information technology, shall accurately process date/time data if the other informational technology properly exchanges date/time data with it. This warranty shall survive the expiration or termination of this contract.

Environmentally Preferable Products and Services. The department and contractor(s) may negotiate during the contract term to permit the substitution or addition of Environmentally Preferable Products (EPPs) when such products become available at a competitive cost and satisfy the department's performance needs. Unless otherwise specified in the RFR, during evaluation of responses, an EPP may be considered best value even when the price is greater than that of a non-EPP (recommended not to exceed 10% in price). Bidders are encouraged to submit information to identify any and all environmental attributes of the product or services being procured, even when such attributes are not being required. For further information about the Commonwealth's efforts to buy EPP's, state contracts which contain recycled products, available reports and upcoming events, please visit the Commonwealth EPP Products web site at: **<http://www.magnet.state.ma.us/osd/enviro/enviro.htm>**

Debarment. The Department will not knowingly accept or award a contract to any contractor or approve a subcontractor to any party, which is currently subject to any State or Federal debarment order or determination. A Federal Debarred Vendor List is produced monthly and is available from the General Services Administration.